IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

W.P.(C). No. 18766 of 2007-H

PETITIONER:

SOMAN, S/O. CHANDRAN,
VADAKKEMANGALATH KADAYIL VEEDU, CHELLAMANGALAM,
SREEKARIAM, TRIVANDRUM.

BY ADV. SRI.K.RAJESH KANNAN

RESPONDENTS:
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1. **KERALA STATE FINANCIAL ENTERPRISES,**
   REPRESENTED BY ITS MANAGING DIRECTOR.

2. **THE DEPUTY TAHSILDAR (R.R.),**
   KERALA STATE FINANCIAL ENTERPRISES LTD.,
   REGIONAL OFFICE, STATUE, TRIVANDRUM.

ADDL. 3. SRI. GOPAKUMAR B. NAIR,
PROPRIETOR, FOCUS INFOTAINMENTS,
P.B. NO.5710, HOTEL SILVER SAND COMPLEX,
THIRUVANANTHAPURAM

ADDITIONAL R3 IMPLEADED AS PER ORDER DATED 11/09/07 IN I.A. NO.11853/07.

BY ADV. SRI.V.PHILIP MATHEWS, R3
SRI.M.L. SAJEEVAN, SC FOR KSFE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)No. 18766/2007

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT FOR RS.1,25,000/- DATED 24.11.2006.

EXT.P2: TRUE COPY OF THE RECEIPT FOR RS.6,76,000/- DATED 23.12.2006 ISSUED BY 2ND RESPONDENT.

EXT.P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS.

ADDL. 3RD RESPONDENT'S EXHIBITS:

ANNEX-I: TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.19754/2007.

EXT.R3(a): TRUE COPY OF THE RR NOTICE U/S 49(2) OF THE KREALA REVENUE RECOVERY ACT 1968 WAS ISSUED TO THE ADDL. 3RD RESPONDENT HIS PROPERTY IN SURVEY NO.102/16 OF BLOCK NO.15 OF ULIAZHUTHARA VILLAGE, THIRUVANANTHAPURAM TALUK WILL BE SOLD IN AUCTION ON 06.06.2006.

EXT.R3(b): TRUE COPY OF THE STATUTORY APPLICATION DATED 22.12.2006 FILED BY ADDL. 3RD RESPONDENT BEFORE THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

EXT.R3(c): TRUE COPY OF THE NOTICE AND STATEMENT OF ACCOUNTS ISSUED BY SPECIAL TAHSILDAR (RR), KSFE LTD, THIRUVANANTHAPURAM TO ADDL. 3RD RESPONDENT.

EXT.R3(d): TRUE COPY OF THE ORDER DATED 09.10.2007 PASSED BY THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.

EXT.R3(e): TRUE COPY OF THE ENVELOP IN WHICH EXT.R3(d) WAS SENT TO PETITIONER.

// T R U E C O P Y //

ANTONY DOMINIC, J.
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W.P.(C) NO. 18766 OF 2007 H
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Dated this the 19th day of November, 2007

J U D G M E N T

Petitioner, who has purchased a plot of 12.74 cents belonging to the additional 3rd respondent has approached this court to direct the respondents to register the sale deed in his favour. It is now submitted by the additional 3rd respondent that on an application filed by him, the District Collector has passed Ext.R3(d), a conditional order directing him to pay Rs.8,01,000/- plus 12% interest to the petitioner and on that basis to set aside the sale in his favour. The 3rd respondent submits that he is willing to deposit the amount as ordered by the District Collector and to this, the petitioner also has no objection. But, he complains that the pendency of the writ petition stands in the way in view of the uncertainty that is prevailing.

2. I heard the counsel for the petitioner and also the counsel for the respondents.

3. In view of the above submissions made, I dispose of this writ petition holding that it will be open to the 3rd respondent to comply with Ext.R3(d) order and get the sale set side.

4. Now that the time for remittance as is ordered in Ext.R3(d) is expiring on 22/11/2007, I direct that if the 3rd respondent complies with Ext.R3(d) order on or before 23/11/2007, that will be deemed to be sufficient compliance with Ext.R3(d).

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp